



CHAPTER 5 Consultation and Coordination

PUBLIC INVOLVEMENT, INCLUDING SCOPING

The National Park Service actively engaged the public, stakeholders, and government officials at the federal, state, and local levels throughout the planning process. Scoping is an early and open process for determining the scope of a proposed action or project and for identifying issues related to the project. During scoping, NPS staff provides an overview of the project, including the purpose and need, in addition to preliminary issues. The public is then asked to submit comments, concerns, and suggestions relating to the project and preliminary issues. The public had three primary avenues for participating during the development of this *Shoreline Restoration and Management Plan / Draft Environmental Impact Statement* (EIS): 1) attending a public meeting and providing comment verbally or by submitting a comment form; 2) responding to the information contained in park newsletters that contained information and updates about the project; and 3) providing comments via mail, and by electronic submission through the NPS planning website.

The public was notified of this Indiana Dunes National Lakeshore planning effort via: (1) a *Federal Register* notice of intent (volume 75, number 137) to prepare an EIS, dated July 19, 2010; (2) distribution of two newsletters for this effort in December 2010 and May 2011; and (3) a press release announcing a public comment opportunity, including public scoping meetings for the plan / draft EIS.

PUBLIC SCOPING MEETINGS

To kick off this plan / draft EIS, four public scoping meetings were held on December 8, 9, 15, and 16, 2010 in open house format. The meetings were announced by postcard, email, and a press release. The *Post-Tribune* published an article about the meetings on December 1, 2010. In total, 65 members of the public and three reporters attended the meetings. The meetings were held at the

Northwest Indiana Regional Planning Commission in Portage, the Lubeznik Center for The Arts in Michigan City and at the Indiana Dunes National Lakeshore Visitor Center in Porter, Indiana. The purpose of the public scoping meetings was to:

- present basic information and data about the park
- identify the purpose and need of the project and its objectives
- describe the guidelines for restoration endpoints within the park
- discuss potential management strategies for approaching the proposed project
- outline the planning / National Environmental Policy Act of 1969, as amended (NEPA) process

The preliminary project area boundary and an array of shoreline restoration tools were also presented to the public by park staff during the public scoping meetings. After a brief introduction about the project, participants were invited to visit/tour informational stations set up around the meeting rooms and discuss the plan / draft EIS with NPS project team members. During the December meetings participants were offered comment cards and *Newsletter #1*.

During the meetings many members of the public expressed support for soft or natural shoreline restoration tools. The public's main concerns were protecting habitat, maintaining a natural viewshed, and not causing additional disruptions to sediment movement in the area. Other meeting attendees expressed support for hard or man-made shoreline restoration tools, citing the need for a long-term solution that would protect homes and public infrastructure along the shoreline. Shoreline restoration tools that were mentioned/ recommended by the public included sediment bypass systems and various approaches to dredging.

Several meeting participants discussed their understanding of sediment movement and their personal experiences related to sediment movement with members of the NPS project team. The unknown effects of climate change were also mentioned in relationship to extreme storm weather events, lake levels, and coastal processes.

Comment Cards, Offered During the December 2010 Public Scoping Meetings

Comment cards offered to the public at the public scoping meetings asked participants to respond to the following questions:

- What are the most important shoreline restoration and management issues?
- What are the most important ecological issues along the shoreline and foredunes?
- Which shoreline restoration and management tools should the National Park Service consider?
- Which shoreline restoration and management tools should the National Park service not consider?
- Do you have any other comments or concerns about the plan / draft EIS the National Park service should consider?

See the “Public Scoping Meetings” section of the “Consultation and Coordination” chapter for a summary of the comments received.

Newsletter #1, Issued During December 2010 Public Scoping Meetings

Newsletter #1 was issued during the public scoping meetings in December 2010 and invited readers to comment in person, via mail, or online using the NPS website. *Newsletter #1* provided the following information:

- the purpose and need for the plan / draft EIS
- the special characteristics of Indiana Dunes National Lakeshore
- a description of the ecological issues along the Indiana Dunes National Lakeshore shoreline
- a description of the process of shoreline restoration and management planning
- an update on the planning process

The public comment period for the proposed project was from December 8, 2010, through February 7, 2011. A total of 24 public comments were submitted during the comment period either in comment form, letter, electronic mail, or website format (<http://parkplanning.nps.gov/indu>).

After summarizing the discussions at the public meetings and reviewing the comments submitted the NPS project team developed a list of issues of concern presented by the public. Recreational use of the park was important to many commenters. The ecological issues receiving the most comment included general habitat, water quality, threatened and endangered species and species of concern, and the impacts of visitors on the environment. Most commenters indicated valuing the preservation and restoration of the shoreline not only for recreational uses but also for the ecological and biological diversity of the area.

Newsletter #2, Issued during Summer 2011

Newsletter #2 was issued in May 2011 and recapped the information presented at the public scoping meetings held in December 2010. This newsletter summarized the comments received during the previous public scoping efforts, and also:

- described shoreline sediment movement and shoreline restoration tools
- updated readers on the planning process and the planning considerations that had been identified to date
- invited readers to participate in the planning efforts

Using input received from the public and considering the probable environmental consequences and costs of the alternatives, the NPS project team developed a list of alternatives, including a preliminary preferred alternative, and analyzed the affected environment and impacts associated with each. The results of this analysis were published in the plan / draft EIS, which was distributed for public review. The mailing list for the plan / draft EIS included over 300 individuals and groups.

COOPERATING AGENCIES

In accordance with NEPA (42 *United States Code* [USC] 4321-4370h) and the CEQ regulations (sections 1501.5 and 1501.6), the National Park Service invited the U.S. Army Corps of Engineers (COE), Chicago District, and the State of Indiana to be cooperating agencies for the EIS process. Both agencies were requested to provide information in their areas of technical expertise and to review and comment on the plan / draft EIS. The State of Indiana declined to participate as a cooperating agency.

The COE replied to the park's invitation and indicated they would participate as a cooperating agency with the National Park Service in the development of the plan / draft EIS. A memorandum of understanding between the National Park Service and the COE was executed on August 17, 2010. This agreement defined the roles and responsibilities of each agency relative to the plan / draft EIS.

CONSULTATION AND COORDINATION TO DATE WITH OTHER AGENCIES, OFFICES, AND TRIBES

Appendix B: Initial Agency Consultation contains a copy of correspondence related to this plan / draft EIS.

FEDERAL AGENCIES

U.S. Fish and Wildlife Service, Section 7 Consultation

The Endangered Species Act of 1973, as amended, requires in section 7(a)(2) that each federal agency, in consultation with the Secretary of the Interior, ensure that any action the agency authorizes, funds, or carries out will not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

The National Park Service contacted the U.S. Fish and Wildlife Service (FWS) in a letter dated July 2011. The letter advised the U.S. Fish and Wildlife Service of the NPS planning process for this plan / draft EIS and requested concurrence with a determination that the proposed project may affect, but is not likely to adversely affect endangered, threatened, and candidate species nor adversely modify piping plover critical habitat.

The U.S. Fish and Wildlife Service responded to the park's request in a letter dated August 8, 2011, and concurred with the NPS determination for special status species and critical habitat found within the proposed project area (which encompasses the shoreline of Lake Michigan between Michigan City in LaPorte County on the east, and the U.S. Steel breakwater in Gary in Lake County on the west). The entire Porter County shoreline of Lake Michigan is also included in the project area.

STATE AGENCIES

Section 106 Consultation

Agencies that have direct or indirect oversight of historic properties are required under Section 106 of the National Historic Preservation Act, as amended (NHPA) (16 USC 470, *et seq.*), to take into account the effect of any undertaking on properties listed in or eligible for listing in the National Register of Historic Places.

In a letter dated April 28, 2011, the National Park Service contacted the Indiana state historic preservation officer (SHPO). The letter advised the Indiana SHPO about the start of the NPS planning process for this plan / draft EIS and requested SHPO's involvement in the planning process, soliciting input on the issues and concerns to be addressed in the plan / draft EIS. A letter dated May 23, 2011, from James A. Glass, Deputy SHPO, stated that the Indiana SHPO had no specific comments at that time, but looked forward to receiving additional information about the project as it became available. The Indiana SHPO will have an opportunity to review and comment on this plan / draft EIS. This document provides the basis for NPS' determination of "no adverse effect" on historic properties. Assuming the state of Indiana concurs with the NPS' determination of "no adverse effect," it will transmit its formal concurrence in writing and that letter will be published in the plan / final EIS.

Coastal Zone Consistency Determination

Federal agency activities in or affecting Indiana's coastal zone must comply with Section 307 of the Coastal Zone Management Act (CZMA) and implementing regulations,

which require that such federal activities be conducted in a manner consistent, to the extent practicable, with Indiana's Coastal Management Program. The park is included in Indiana's coastal zone. The National Park Service has determined that the preferred alternative is consistent with Indiana's coastal management program, including the state's goals and policies for this area.

This plan / draft EIS provides the substantive basis for NPS' consistency determination. The National Park Service has submitted this document to the Indiana Department of Natural Resources (IDNR) for its concurrence.

Such a consistency determination and the agency's concurrence comply with the requirements of the CZMA. Assuming the state of Indiana concurs with the NPS' consistency determination it will transmit its formal concurrence in writing and that letter will be published in the plan / final EIS.

The National Park Service contacted eight federally recognized tribes and one tribe not federally recognized through letters dated February 24, 2011. The NPS letter provided the tribes a brief background and description of the project area and invited the tribes to participate in the development of the plan / draft EIS. To date, no tribes have responded. The tribes contacted are listed below.

- Citizen Potawatomi Nation
- Forest County Potawatomi
- Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan
- Match-e-be-nash-she-wish Band of Potawatomi Indians
- Miami Tribe of Oklahoma
- Nottawaseppi Huron Band of Potawatomi Indians
- Pokagon Band of Potawatomi Indians
- Prairie Band of Potawatomi Nation
- Miami Nation of Indians of the State of Indiana (not federally recognized)

AMERICAN INDIAN TRIBES

The National Park Service recognizes that indigenous peoples may have traditional interests and rights in lands now under NPS management. Native American concerns about park projects are sought through Native American consultation. The need for government-to-government Native American consultations stems from the historic power of Congress to make treaties with American Indian tribes as sovereign nations. Consultation with American Indians and other Native Americans, such as Native Hawaiians and Alaska Natives, is required by various federal laws, executive orders, regulations, and policies. They are needed, for example, to comply with Section 106 of the NHPA. Implementing regulations of the CEQ also call for Native American consultation.

LIST OF RECIPIENTS OF PLAN / SHORELINE RESTORATION AND MANAGEMENT PLAN / FINAL ENVIRONMENTAL IMPACT STATEMENT

The National Park Service made the plan / final EIS available to the agencies and organizations listed below in either electronic format or hard copy. Copies of the document are available for review at Indiana Dunes National Lakeshore and at <http://parkplanning.nps.gov/indu>. A limited number of hardcopies of the document are also available upon request by interested individuals.

FEDERAL DEPARTMENTS AND AGENCIES

COE, Chicago District
U.S. Fish and Wildlife Service
U.S. House of Representatives
Office of Senator Richard Lugar
U.S. Environmental Protection Agency, Great Lakes National Program Office
U.S. Geological Survey Lake Michigan Ecological Research Station

STATE AGENCIES

Indiana Department of Environmental Management
Indiana Department of Natural Resources
Indiana Geological Survey
Indiana Dunes State Park
Lake Michigan Coastal Program
State of Indiana (Governor)

COUNTY AND LOCAL AGENCIES

Beverly Shores Town Council
Burns Harbor Town Council
Chesterton Town Council
City of Chicago (Mayor)
City of Gary (Mayor)
City of Gary (Department of Environmental Affairs)
City of Gary (Park Department)

City of Lake Station (Mayor)
City of Michigan City (Mayor)
City of Portage (Mayor)
Dune Acres Town Council
Lake County Commission
Lake County Council
53 Lake County Parks and Recreation Department
LaPorte County Board of Commissioners
LaPorte County Council
LaPorte County Parks and Recreation
Michigan City Parks and Recreation Department
Michigan City Port Authority
Northwest Indiana Forum
Northwest Indiana Regional Development Authority
Northwest Indiana Regional Planning Commission
Ogden Dunes Town Council
Pines Town Council
Port of Indiana, Burns International Harbor
Porter County Board of Commissioners
Porter County Commission
Porter County Council
Ports of Indiana
Town of Beverly Shores
Town of Chesterton
Town of Ogden Dunes

ORGANIZATIONS AND BUSINESSES

Association of Beverly Shores Residents
Arcelor Mittal
Chicago Wilderness
Coastal and Hydraulics Lab
Eppley Institute for Parks and Public Lands
Friends of the Indiana Dunes
Indiana-American Water Company, Inc.
Dunes Learning Center
Indiana Landmarks
Indiana University
Izaak Walton League
Little Calumet River Basin Development Commission

National Parks and Conservation Association
NiSource Corporate Services Company
Purdue University Calumet
Save the Dunes Conservation Fund
Save the Dunes Council
Shirley Heinze Land Trust
The Nature Conservancy
The Trust for Public Land
U.S. Steel, Midwest Division
U.S. Steel, Gary Works
Gary Chamber of Commerce
Greater Portage Chamber of Commerce
Greater Valparaiso Chamber of Commerce
Indiana Dunes Tourism
Porter County Convention and Visitor
Commission
South Shore Convention and Visitors
Authority
Lakeshore Chamber of Commerce
Chesterton Duneland Chamber of Commerce
LaPorte County Convention and Visitors
Bureau
Michigan City Area Chamber of Commerce

AMERICAN INDIAN TRIBES AND AGENCIES

Citizen Potawatomi Nation
Forest County Potawatomi
Hannahville Indian Community of Wisconsin
Potawatomi Indians of Michigan
Match-e-be-nash-she-wish Band of
Potawatomi Indians
Miami Tribe of Oklahoma
Nottawaseppi Huron Band of Potawatomi
Indians
Pokagon Band of Potawatomi Indians
Prairie Band of Potawatomi Nation
Miami Nation of Indians of the State of
Indiana (not Federally recognized)

PUBLIC REVIEW OF PLAN / DRAFT EIS

Availability of the plan / draft EIS was announced through local newspapers, postings on the park website, and on the Planning Environment and Public Comment (PEPC) website, and announcements in the Federal Register.

During the 60-day comment period hardcopies of the plan / draft EIS were available for review at the headquarters of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana, 46304; at the Park's Visitor Center located at 1215 North State Road 49, Porter, Indiana 46304; at the Beverly Shores Town Hall; the Michigan City Public Library; and on the internet as indicated below. Copies of the plan / draft EIS were also sent to applicable federal, state, and local agencies for review and comment.

An electronic copy of the document could be found on the NPS PEPC website at <http://parkplanning.nps.gov>. This site provides access to current plans, environmental analyses, and related documents available for public review. The document was posted on PEPC under the Midwest Region, Indiana Dunes National Lakeshore. The plan / draft EIS could also be accessed through the park's home page at: <http://www.nps.gov/indu>. The public was encouraged to submit comments on the plan / draft EIS during the 60-day comment period.

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